

*TRANSCRIPT OF PUBLIC HEARING TESTIMONY
DRAFT SAND AND GRAVEL GENERAL PERMIT
LACEY, WA
OCTOBER 5, 2015*

David McClelland – Dixon Company

“As he stated, my name Dave McClelland, I am with Dixon Company in Tacoma. Dixon Company operates a gravel mine and inert land fill in Tacoma. And we wanted to comment on Section S3.B of the permit which is the same as in the previous version of the permit and that section heading is not cause or contribute to violation of standards. It reads Discharges must not cause or contribute to a violation of: Groundwater Quality Standards, Surface Water Quality Standards, or Sediment Management Standards of the State of Washington; and 40 CFR 131.

By way of background, in 2011 we were fined for a discharge in which discharge was above 50 ntu over background, sorry above 50 ntu effluent and above 5 ntu for background and we were fined for both violations – over 50ntu and above 5ntu for background. Later, the Pollution Control Hearings Board dropped one of the fines so that we were only fined for one of the violations, by the way, that case number was 11-163 Pollution Control Hearings Board. We later appealed the case and it was clarified in the appeals court that the 50 ntu is the standard as long as is does not violate surface water quality standards. We wanted language to be included in the section of the permit to clarify the fact that, first of all, you can't be fined for violating both standards from a single incident and also for the fact that the 50 ntu standard is the standard and that it supersedes the 5 ntu over background. As we understand it from the court decision when it was appealed the 50 ntu is what applies as long as it is understood not to violate surface standards. That is all I have to say, Thank you.”